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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,623	11/24/2003	Philippe Marie Desmarescaux	117859	1290

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EXAMINER

DOUYON, LORNA M

ART UNIT PAPER NUMBER

1751

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/718,623	Applicant(s) DESMARESCAUX ET AL.	
	Examiner Lorna M. Douyon	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/20/04</u> . | 6) <input type="checkbox"/> Other: _____  |

*W*

***Claim Rejections - 35 USC § 112***

1. Claims 7, 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7, 15-19 are indefinite in the recital of “type” after “bleaching activator of the citric acid” in each claim. The addition of the word “type” to an otherwise definite expression extends the scope of the expression so as to render it indefinite, see *Ex parte Copenhagen*, 109 USPQ 118 (Bd App. 1955). See also MPEP 2173.05(b)(e).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blasey et al. (US Patent No. 6,506,720), hereinafter "Blasey".

Blasey teaches washing- or cleaning-active shapes, above all, tablets, such as detergent laundry tablets, dishwasher tablets for use in homes and comprising at least one disintegrating agent (see col. 1, lines 11-15; col. 3, line 61 to col. 4, line 30), preferably compacted cellulose (see col. 6, lines 21-33). The invention can also make use of the fact that acidifying agents such as citric acid in combination with carbonate-containing systems, can also contribute towards improving the disintegration properties of the shapes (see col. 8, line 63 to col. 9, line 8). The invention provides homogeneous or heterogeneous shapes (see col. 4, lines 57-60).

Heterogeneous shapes may be produced by compressing the various ingredients to form a shape comprising several layers, i.e. at least two layers and the various layers may have different disintegration and dissolving rates (see col. 5, lines 10-15). If the shapes contain ingredients which adversely affect one another, one component may be integrated in the more quickly disintegrating and dissolving layer while the other component may be incorporated in a more slowly disintegrating layer so that the first component can act in advance or can already have reacted off by the time the second component dissolves and the various layers of the shapes can be arranged in the form of a stack in which case the inner layer(s) dissolve at the edges of the shape before the outer layers have completely dissolved or disintegrated (see col. 5, lines 16-26). In another preferred embodiment, a tablet consists of at least three layers, i.e. two outer layers and at least one inner layer, a peroxy bleaching agent being present in at least one of the inner layers whereas, in the case of the stack-like tablet, the two cover layers and, in the case of the

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envelope-like tablet, the outermost layers are free from peroxy bleaching agent. In another possible embodiment, peroxy bleaching agent and any bleach activators or bleach catalysts present and/or enzymes may be spatially separated from one another in one and the same tablet/shape (see col. 5, lines 30-45). Suitable bleaching agents are perborate and percarbonate which are used in combination with conventional bleach activators (see col. 8, lines 14-19), such as tetraacetyl ethylenediamine (see col. 9, lines 60-61). The detergent ingredients also include surfactants, dyes and perfumes (see col. 7, lines 31-45). In the Example, Blasey teaches a detergent product comprising 12.9 parts by weight anionic surfactant and 7.4 parts by weight nonionic surfactant (see col. 9, lines 48-53). Blasey, however, fails to specifically disclose a three layer tablet wherein the first outer layer is a bleaching agent and the second outer layer is a bleaching activator.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have prepared a three layer tablet wherein the first outer layer is a bleaching agent and the second outer layer is a bleaching activator because Blasey teaches that the peroxy bleaching agent and any bleach activators present may be spatially separated from one another.

5. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitaker et al. (GB 2,324,495), hereinafter "Whitaker".

Whitaker teaches multi-layer detergent tablet suitable for use in an automatic dishwasher or laundry washing machine such that the reactive components are in different layers of the tablet and that the layers have different rates of dissolution (see page 1, line 12 to page 2, line 1). Preferably the first and second (and optional further) detergent compositions comprise one or

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more detergent component selected from the group consisting of a builder, a surfactant, an enzyme and a bleaching agent, and it has been found that it may be advantageous to separate particular components which tend to interact with one another either on compression in the tablet press or on storage, and examples of components that may interact include bleaching agents and bleach catalysts or activators (see page 5, lines 19-30). The surfactant is typically present at a level from 0.2% to 30% by weight of the composition (see page 16, lines 28-30). Examples of bleaching agents include perborate and percarbonate (see page 28, line 25). Suitable peroxyacid bleach precursors are disclosed on page 29, last line to page 39, line 6. In Example 4J, Whitaker teaches a three layer detergent tablet comprising citrate and carbonate (equivalent to effervescent agent) in one layer (see entire page 70). Whitaker, however, fails to specifically disclose a three layer tablet wherein the first outer layer is a bleaching agent and the second outer layer is a bleaching activator.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have prepared a three layer tablet wherein the first outer layer is a bleaching agent and the second outer layer is a bleaching activator because Whitaker teaches that that it may be advantageous to separate particular components which tend to interact with one another like bleaching agents and bleach catalysts or activators.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. The references are considered cumulative to or less material than those discussed above.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Lorna M. Douyon*

Lorna M. Douyon  
Primary Examiner  
Art Unit 1751